

amended, from the State of Colorado into the State of Louisiana, of a quantity of peaches in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10077. Misbranding of La Provence Brand oil. U. S. * * * v. 19 Cans * * * of Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15147. I. S. No. 5491-t. S. No. E-3482.)

On July 23, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 cans of vegetable oil, at Worcester, Mass., alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about June 9, 1921, and transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "La Provence Brand Oil. * * * Littauer Oil Co., Guttenberg, N. J. * * * One Gallon."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "One Gallon," was incorrect, and represented more than the actual contents of the said package.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal after having been properly branded so as to show the correct weight thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10078. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 88 Cases * * * of Tomatoes, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15493, 15494. I. S. Nos. 7912-t, 7914-t. S. Nos. E-3611, E-3613.)

On October 21, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 248 cases of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by D. E. Foote & Co., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about September 3 and 12, 1921, respectively, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Tomatoes * * * Packed by D. E. Foote & Co. Inc. * * *."

Adulteration of the article was alleged in the libels for the reason that water and puree, pulp, or juice from skins and cores had been mixed and packed with, and substituted wholly or in part for, canned tomatoes. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the cans containing the article bore the statement, to wit, "Tomatoes," together with a cut or design showing a red ripe tomato, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 6, 1921, D. E. Foote & Co., Inc., Baltimore, Md., claimant, having admitted the averments of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, conditioned in part that the said product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*